

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                                     |   |                     |
|-------------------------------------|---|---------------------|
| DEMARCUS KENARD JOE, #1047716,      | ) |                     |
|                                     | ) |                     |
| Petitioner,                         | ) |                     |
|                                     | ) | CIVIL ACTION NO.    |
| VS.                                 | ) |                     |
|                                     | ) | 3:17-CV-0690-G (BK) |
| LORIE DAVIS, Director, Texas        | ) |                     |
| Department of Criminal Justice,     | ) |                     |
| Correctional Institutions Division, | ) |                     |
|                                     | ) |                     |
| Respondent.                         | ) |                     |

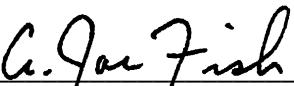
**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND**  
**RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. No objections were filed. The district court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the court **ACCEPTS** the findings, conclusions and recommendation of the United States Magistrate Judge.

It is therefore **ORDERED** that the successive habeas petition is  
**TRANSFERRED** to the **United States Court of Appeals for the Fifth Circuit**. *See*  
28 U.S.C. § 2244(b)(3); 28 U.S.C. § 1631.\*

**SO ORDERED.**

April 17, 2017.

  
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A. JOE FISH  
Senior United States District Judge

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\* An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015); *Brewer v. Stephens*, 605 Fed. Appx. 417 (5th Cir. 2015) (per curiam).